

**BOARD OF HEALTH MEETING MINUTES**  
9 School St.  
October 8, 2019

**Meeting called to order at: 6:32 p.m.**

In attendance: Amy Courtney; Matt Steinel; Lorri Fucile; John Morris, Health Director;

Ed Mullen, Bldg. Com./Zoning Compliance Officer; James Nolan, Deputy Fire Chief; Dan Donahue, Electrical Inspector; Rich Berube, Deputy Health Director; Robin Januszewski, Northeast Mosquito Control; and Jimmy Wachaa, Burger King

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Meeting Minutes of 04/18/19: Motion by Matt Steinel to approve, seconded by Lorri Fucile. UNANIMOUS.

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**NEW BUSINESS**

**Introduction**

Rich Berube was introduced to the Board. Mr. Berube will be working in Amesbury part-time to assist Mr. Morris who has submitted his retirement paperwork with the City. Mr. Morris will continue to work for Amesbury on a part-time basis, and Mr. Berube will also work part-time. Both will be contracted through the Regional Agreement that services the Town of Salisbury and the City of Amesbury.

**Burger King**

On September 25, 2019 Mr. Morris was contacted by the Fire Dept. regarding a fire located at Burger King, 109 Macy St. Deputy Fire Chief James Nolan stated that fire personnel were dispatched to an incident in that area and when passing by Burger King, PIC (person-in-charge) Mr. Sinibaldi was in the parking lot of Burger King and waved the emergency personnel over. Mr. Sinibaldi stated that a fire had erupted and was not sure what the protocol was or how to handle this incident. Mr. Sinibaldi explained that he has been employed by Burger King for only two weeks and has not had any training.

The following day, September 26, 2019, the following personnel performed a comprehensive inspection of Burger King: Ed Nolan, Bldg. Com./Zoning Compliance Officer; Dan Donahue, Electrical Inspector; Brett Burdick, Plumbing & Gas Inspector; James Nolan, Deputy Fire Chief; and John Morris, Health Director. Reports outlining critical violations for all departments were submitted to the Board for review. On this day, Burger King was instructed to close down their operation until further notice.

Mr. Morris contacted the Board to schedule an emergency hearing to discuss revoking the food service permit from Burger King. Burger King is presently on a two-year probationary period resulting in numerous repetitive violations cited at their facility.

The meeting of 4/18/19 resulted in the following decision by the Board:

- 1. \$2,000.00 fine (previous fine for this issue was \$500.00) paid within 14 days.***
- 2. If any inspections during an extended probationary period indicate this same issue, a 3 day suspension will occur, additional fines, and possible revocation of the store's operating permit will be considered.***

Since this meeting Burger King has additionally paid the amount of \$375.00 in re-inspection fees/late fees/fines, and still continues to have repetitive violations.

According to Deputy Chief James Nolan, an item of extreme concern is the structure. Mr. Nolan stated that should the need arise, investigation of an incident will take place, but no emergency operations on the roof will be performed due to the unknown conditions of the roof.

Likewise, Ed Mullen stated that he is requesting a structural engineer to inspect and certify the building prior to any plans to re-open. Among other items of concern, there are numerous soft spots on the roof. There is discontinued equipment that has been abandoned on the roof, with new equipment installed without permits and inspections, which also adds to the load on an already compromised roof.

A review of the reports submitted by the electrical inspector and plumbing and gas inspector conveyed at the meeting include, but are not limited to: melted plugs near gas devices, live wires hanging over sinks, main breaker not operable, oil pumps caked with oil, temp. electrical wires being used as permanent wires, improper floor drains, gas piping not supported, faulty chimney vents, inoperable soap dispensing systems, etc.

In addition, Mr. Nolan conveyed that for the month of August 2019 alone, there were twelve (12) fire alarm notifications. Most were involving an ongoing hood problem, with one involving leaves entering a system from a dead tree inside the location which has had the water removed from the area. The tree in the area was part of a water area and since the tree was dead, posed a high fire risk.

Mr. Wachaa explained that he works directly for the owner of this and various other Burger King's. Their office is located in Texas. Mr. Wachaa expressed that he was advised to request a postponement of this meeting because he was unable to have a lawyer present. However, Mr. Wachaa wanted to convey to the Board that he is working diligently to abate all violations and adamantly requested the Board not revoke the food service permit.

Mr. Wachaa expressed deep concern upon hearing the violations. He stated that the owner of Burger King acquired the property in 2012. Other than the last letter received by Mr. Morris, he stated that he and the owner were not aware of any problems associated with Burger King. Mr. Morris and Mr. Nolan stated that numerous mailings were sent certified mail and received. Some were mailed directly to the location in Texas where Mr. Wachaa is employed, but Mr. Wachaa stated that they were never received and personnel from Burger King did not make "corporate" aware of these issues. In the prior communications with Burger King by Mr. Morris, Burger King personnel stated that they reached out to corporate for assistance but corporate would not assist.

All inspectors, and Board members, agreed that due to the many repeated violations levied against Burger King, along with numerous fines, the amount of time dealing with the same issues, etc., and noting that there are extreme threats to safety and health for the public, revocation of the food service permit is the only option the Board will consider.

**A motion by Matt Steinel, seconded by Amy Courtney, UNANIMOUS, to revoke the food service permit for Burger King was voted. Burger King was told that this restaurant will remain closed until such time a new food application is submitted, reviewed, and inspections by all departments (building, plumbing & gas, fire, electrical) take place to assure all violations/concerns have been addressed.**

#### **Mosquito Control**

Ms. Robin Januszewski from Northeast Mosquito Control appeared before the Board to convey in person the protocol for mosquito spraying. A recent town-wide spraying was performed in Amesbury with the discovery of a positive EEE report. Residents were notified via the City of Amesbury's Swift911. Any resident with concerns or questions regarding spraying are advised to contact Northeast Mosquito Control.

#### **Asbestos – AES**

The Board had questions regarding asbestos and the Amesbury Elementary School and protocol used to ensure safety. Mr. Morris indicated that he has a report from the State which will explain information requested and will forward this to the Board. Mr. Morris also stated that the School should be able to provide any reports regarding asbestos issues as well.

#### **Regulation Review**

The current Rules and Regulations of the Board of Health were adopted in Year 2010. Mr. Morris conveyed to the Board that he feels it's time to review all and take the necessary steps to make necessary changes. The Board agrees.

#### **Review/Update/Discuss**

Nurse's Report; Summer 2019 water testing report

**The meeting was adjourned at 8:30pm**